

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROBERT SCOTT,

[ECF]

Plaintiff,

10 CV 9538 (PKC)(RLE)

-against-

NOTICE OF MOTION

WORLDSTARHIPHOP INC.,
BERKELEY COLLEGE,

Defendants.

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PLEASE TAKE NOTICE that upon the Declaration of David F. Bayne, dated April 18, 2011, the Memorandum of Law, dated April 18, 2011, submitted herewith, and upon all the prior pleadings and proceedings had herein, Defendant Berkeley College, by its undersigned counsel, will move this Court before the Honorable P. Kevin Castel at the United States Courthouse, 500 Pearl Street, New York, New York for an Order pursuant to Federal Rules of Civil Procedure Rules 12(b)(6) dismissing Plaintiff's Complaint, dated December 16, 2010 (Docket #002), in its entirety for failure to state a claim upon which relief can be granted and for lack of plausibility, together with such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, answering papers, if any, shall be served on the undersigned on May 18, 2011 and reply papers if any shall be served on May 27, 2011 pursuant to the Order of the Court dated April 4, 2011 (Docket #014).

Dated: New York, N.Y.
April 18, 2011

KAVANAGH MALONEY & OSNATO LLP

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